

PROB 12C
(7/93)

UNITED STATES DISTRICT COURT **FILED**

for

JUN 13 2022

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Fernando Torres Case Number: DR-19-CR-01044(1)-AM
Name of Sentencing Judicial Officer: Honorable Alia Moses, United States District Judge
Date of Original Sentence: January 19, 2021
Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324
Original Sentence: 38 months imprisonment followed by a 3 year term of supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: May 4, 2022
Assistant U.S. Attorney: Sydni Linn Connell Defense Attorney: Anthony J. Colton (AFPD)

PREVIOUS COURT ACTION

No previous Court action during this term of supervision.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Special Condition: The defendant shall abstain from the use of alcohol and any and all intoxicants.
2.	Mandatory Condition No. 2: The defendant shall not unlawfully possess a controlled substance.
3.	Mandatory Condition No. 3: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.

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On June 8, 2022, the offender reported to the U.S. Probation Office for the purpose of making up for a random urine analysis test which was prescheduled for June 7, 2022. The offender provided a urine specimen which subsequently tested positive marijuana and cocaine. During the testing period, the offender admitted to using approximately 8 beers, ¼ blunt of marijuana, and a key tip of cocaine and signed an admission form for his drug use.

4. **Mandatory Condition No. 1: The defendant shall not commit another federal, state, or local crime during the term of supervision.**
5. **Standard Condition No. 9: If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.**

On June 9, 2022, at approximately 12:18 AM, in Crockett County, Texas, the offender was detained for the offense of Transporting Illegal Aliens. The District Attorney in Ozona, Texas, did not accept charge and the offender was released without further incident.

According to incident report received from the Texas Department of Public Safety - Operation Lone Star, on June 9, 2022, a Texas State Trooper conducted a traffic stop on a vehicle after it failed to drive in a single lane. The vehicle stopped on the shoulder of IH-10 and several subjects bailed out of the vehicle. Both the driver, identified as the offender, and the passenger, identified as Natasha Garza, were found to be United States Citizens, and were placed on handcuffs. No subjects that had absconded from the vehicle were apprehended. The driver and passenger would not admit to human smuggling. The district attorney was contacted and without a confession or an illegal alien captured, no charges could be filed. The vehicle was towed and the driver and passenger were dropped off at the Stripes in Ozon, Texas.

Additionally, the Texas State Trooper provided video footage of the incident. The video footage reflects a red pickup truck coming to a stop on the shoulder of a road. Subsequently, the back passenger door opens and approximately 8-9 individuals (male, female, and children) jumped out from the vehicle and ran towards the brush. The Trooper gave multiple orders in English and Spanish instructing the individuals to Stop and identifying himself as Police; however, all subjects ignored the orders and continued to run. The Trooper then gave orders to the driver to step out of the vehicle, which he complied to the orders and was placed on handcuffs. During the investigation, both the offender and passenger were uncooperative and denied transporting illegals. The offender stated he had picked up the unknown individuals and was giving them a ride but did not remember where he picked them up.

As of the writing of this petition, the offender has not reported law enforcement contact to his probation officer.

U.S. Probation Officer Recommendation: On January 7, 2022, the offender was released from his federal imprisonment sentence; however, he was transferred to a State Detainer and was released from his State sentence on May 4, 2022. His State imprisonment time was tolled and the offender began his supervised release on May 4, 2022, and is scheduled to expire on May 3, 2025. Mr. Fernando Torres is a Criminal History Category III offender, with criminal arrests that include the Instant Offense, Assault on a Public Servant, Possession of a Controlled Substance, Evading Arrest/Detention, and Illegal Alien Transportation.

As noted above, immediately after commencing supervision the offender admitted to the use of alcohol, cocaine, and marijuana. By preponderance of evidence, the offender also committed the offense of transporting illegal aliens. Therefore, it is respectfully recommended that a warrant be issued for the offender's arrest, and his term of supervised release be revoked.

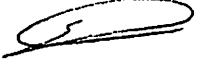
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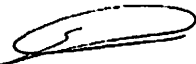
The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for _____ years for a total term of _____ years
- ☐ The conditions of supervision should be modified as follows:

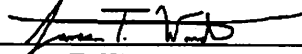
Approved:

Respectfully Submitted,


for:
David R. Mercier
Supervising U.S. Probation Officer


Jorge De Los Santos
Senior U.S. Probation Officer
Date: June 13, 2022
Telephone #: 830-308-6358


Approved:


James T. Ward
Supervisory Assistant U.S. Attorney

cc: Javier Cenicerros
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$Detain cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a summons.
- ☐ Other _____


Honorable Alia Moses
United States District Judge

June 13, 2022
Date